



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 04/06/99

AGENDA ITEM 5

WORK SESSION ITEM

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Zone Change Application No 98-190-11 - Landfill Management, Inc. (Applicant) - HBF Enterprises, Inc. [Gabbert] (Owner) - To extend the time to complete grading, capping and revegetating the landfill site until December 31, 2000, and to continue a concrete/asphalt recycling activity on the site until December 31, 2003

The property is located at 4001 West Winton Avenue, at the westerly terminus of West Winton Avenue adjacent to the San Francisco Bay.

RECOMMENDATION:

It is recommended by the Planning Commission and staff that the City Council:

1. Find that the project is categorically exempt from CEQA; and
2. Approve the request for extension of time of the landfill-capping project and continuation of the concrete and asphalt recycling activity to continue on-site during the extension period.

DISCUSSION:

In 1986, the City Council approved a Planned Development District to allow five radio towers subject to conditions requiring the former landfill site be capped and an open space easement be granted to an unspecified public agency once the capping is complete. The capping work complies with a San Francisco Regional Water Quality Control Board mandate. The applicant is requesting an extension of time until the end of 2000 to complete the capping project. The required cap is primarily to prevent leaching of contaminated material into the bay and is also to provide enough cover to make the site attractive and usable for recreation purposes. Due to differential settlement, the original grading and capping plan was not adequate and a subsequent grading and capping plan was approved by Council in 1992 along with an extension of time until October 31, 1995 to complete the work. Due to the lack of available fill material, a second time extension was approved on January 23, 1996 and was granted until December 31, 1998.

The work was not completed by the December 31, 1998 deadline again due to the unavailability of fill material. In addition, the shoreline vegetative material could not be supplied due to harvesting problems. The western half of the property (approximately 60%) outlined on the attached site plan in green, is completed. The eastern half of the property (approximately 40%), outlined in yellow on the attached map, has been graded to the final elevations (subgrade) and is ready for placement of the capping material layer and the hydroseed cover. The main and secondary ditches depicted in red on the site plan are installed, and drain surface water from the property to the bay through a tidegate. The applicant is requesting an extension of time until December 31, 2000 to complete this work.

The applicant is likewise requesting approval for the concrete and asphalt recycling activity to continue during the extension period and while work is occurring on adjacent lands owned by HARD and Alameda County Flood Control & Water Conservation District (ACFCWCD). In any case, the termination date for the recycling activity would be no later than December 31, 2003. This activity was first allowed with Council's approval action in 1992 and was deemed important to offset the costs of doing the capping work (i.e. grading services, engineering and survey work, Solid Assessment Tests, insurance, permits and fees, etc.) Staff is not aware of any problems to neighboring properties as a result of the recycling business.

The San Francisco Regional Water Quality Control Board believes that the applicant is making a diligent effort to complete this work. They would like to see the project completed not only on the subject property, but also on the balance of the landfill on property owned by H.A.R.D. and Alameda County Flood Control & Water Conservation District.

Planning Commission Recommendation

On February 25, 1999, the Planning Commission voted 6 : 0 with one abstention to recommend approval of the time extension and to continue the concrete and asphalt recycling business on the property as requested.

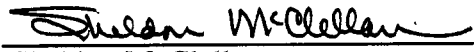
At the public hearing, the applicant described the progress being made on the project and indicated that the concrete and asphalt recycling business provides a royalty to the applicant that offsets some of the project expenses. Any revenue that exceeds salary and other expenses are placed in a trust funds for site improvements.

Only one member of the public spoke to the application expressing the need to clean the capping material of thistle weeds that hinder shoreline clean-up efforts. The speaker questioned noticing the item only in the Daily Review and asked if HASPA (Hayward Area Shoreline Planning Agency) had been notified. He also suggested that the applicant clean up mud and dust from West Winton Avenue as needed rather than just twice daily as specified in the conditions of approval. Staff responded that the matter had been referred to HASPA who had scheduled the referral for their March 11th meeting.

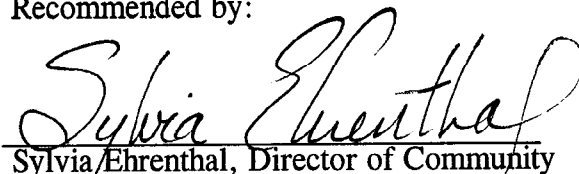
Hayward Area Shoreline Planning Agency

The Hayward Area Shoreline Planning Agency (HASPA) Citizens Advisory Committee indicated at their March 11, 1999, meeting that they are pleased with the work being carried out by the applicant. They recommended that a condition of approval be added that would require installation of a sign on the property near West Winton Avenue that describes the work being done, the temporary nature of the concrete/asphalt recycling business and that the recycling facility provides funds for the landfill recapping work which benefits the community at no cost to the public. Accordingly, staff has added Condition No. 26 which requires the sign. The applicant indicates he has no objection to this condition.

Prepared by:


Sheldon McClellan
Senior Planner

Recommended by:


Sylvia Ehrental, Director of Community
and Economic Development

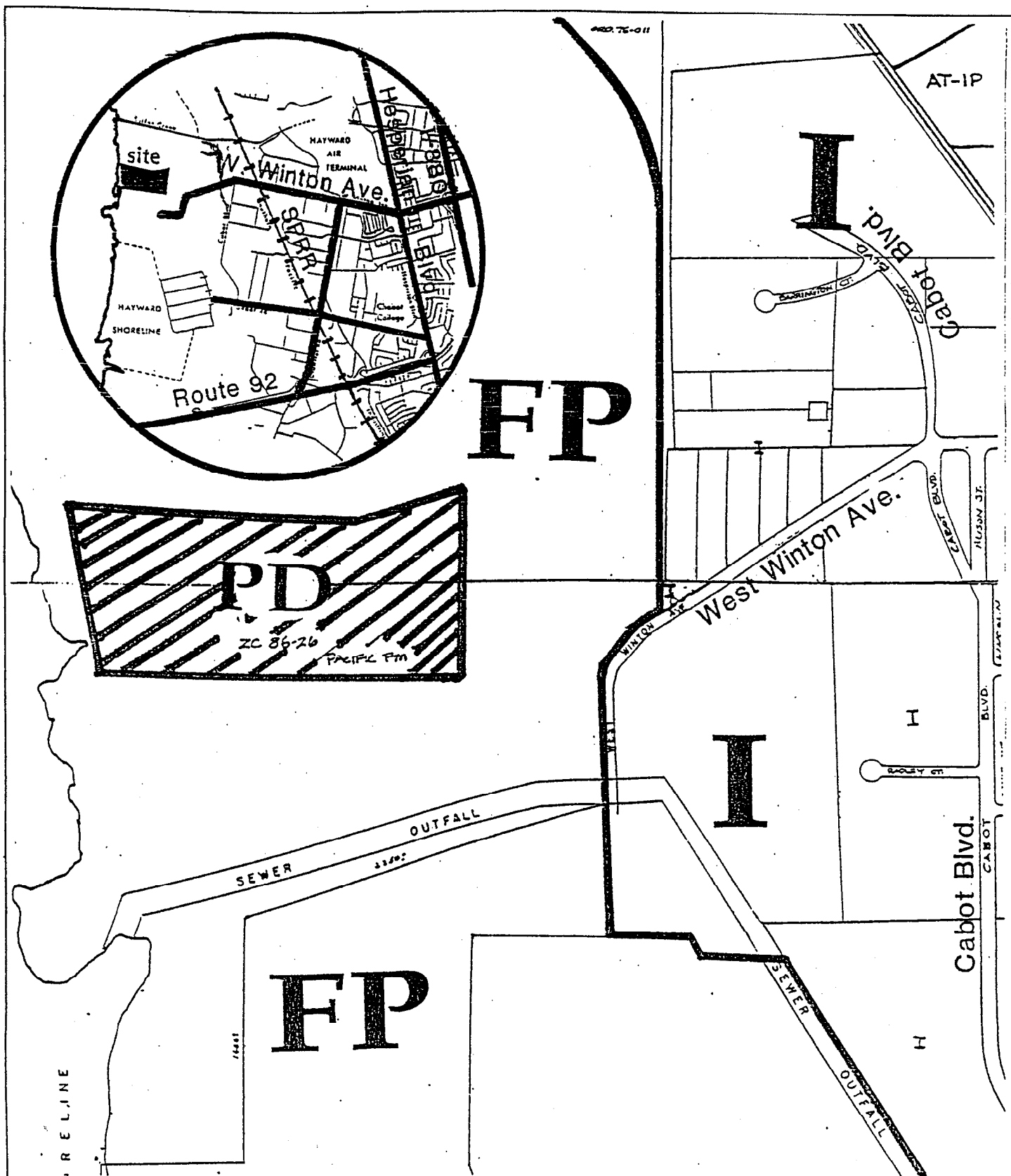
Approved by:


Jesus Armas, City Manager

Attachments:

Exhibit A	Area Map
Exhibit B	Findings for Approval
Exhibit C	Conditions of Approval
Exhibit D	Planning Commission Minutes and Staff Report, dated February 25, 1999
Exhibit E	Letter from Landfill Management, Inc., dated December 5, 1998
Exhibit F	Revised Grading Plan - 1997 (Site Plan) Draft Resolution

3.12.99



ZONING/AREA MAP ■ ZC 98-190-11

Randy Bailey/Landfill Management, Inc. (Appl.)
 HBF Enterprises (Owner)
 4001 West Winton Ave.

Findings For Approval

Zone Change Application No. 98-1190-11
Landfill Management, Inc. (Applicant)
HBF Enterprises, Inc. (Owner)

- A. That continuation of retail sales of crushed asphalt and concrete, and the extension of time within which to complete the project will have no significant impact on the environment, cumulative or otherwise, and is categorically exempt from environmental review under CEQA Guidelines;
- B. That the project is in substantial harmony with the surrounding area, which is undeveloped or industrial in nature, and the land conforms to the General Plan in that the project will enhance and preserve the shoreline and provide recreational opportunities along the shoreline;
- C. That the City streets continue to be adequate to serve the traffic related to the project; and
- D. That the landfill-capping project is temporary and the regrading of the property will be compatible with future open space and recreational type uses and will benefit the public since the land will be under the control of the Hayward Area Parks and Recreation District.

CONDITIONS OF APPROVAL

ZONE CHANGE APPLICATION NO. 98-190-11
LANDFILL MANAGEMENT, INC., APPLICANT

1. All improvements indicated on the approved precise plan, the original conditions of approval of the Planned Development, the adopted modified grading plan, the capping plan, and the landscaping requirement shall be completed no later than December 31, 2000.
2. Proof of compliance of the capping plan with the requirements of the San Francisco Regional Water Quality Control Board shall be provided to the City Development Review Services Division no later than December 31, 2000.
3. The operator of the concrete/asphalt crushing business shall maintain an up-to-date permit with the Bay Area Air Quality Management District and evidence of same shall be provided to the Development Review Services Division upon request.
4. The operation of the concrete/asphalt crushing business shall be allowed to continue on the site upon completion of the capping work conducted by Landfill Management, Inc. while work is in progress on the adjacent properties owned by HARD and Alameda County Flood Control District but no later than December 31, 2003.
5. Signs and personnel shall be employed during capping activities (when machinery is in use or trucks are entering or exiting the property) to guide visitors to the shoreline trail via the East Bay Regional Parks District access trail. Proof of staffing shall be provided to the Engineering Department prior to onset of crushing activity on a monthly basis.
6. The vehicle access routes shall be shown on the approved grading plan and shall thereafter be limited to those approved by the City Engineer. Truck access ways shall be sprinkled to reduce dust. Any desired change to the internal circulation plan shall be approved by the Engineering & Transportation Division prior to the change being made. Roadways shall be all-weather and provide access for emergency vehicles.
7. During the time that the concrete/asphalt crushing activity is taking place and while trucks are importing and exporting material to the site, water shall be available on site at all times and used on a regular, as needed basis to water down material to be crushed, materials loaded onto trucks, and truck tires to eliminate spread of dust and mud. During inclement weather, an area for washing the equipment and truck tires shall be constructed and maintained on the site and a sedimentation basin shall be provided to trap all silt.

8. Inspection shall be made twice daily of West Winton Avenue by staff employed by the applicant from the project site to the land now occupied by "Pick Your Part" to determine if there has been mud or dust deposited along the right-of-way by trucks entering subject. The property owner shall provide sweeping as necessary to provide safe access along this designated portion of West Winton Avenue. Evidence of inspection and sweeping shall be provided to the City Engineering Department on a weekly basis or as requested by the City Engineer.
9. Berms shall be constructed to screen the shoreline trail and West Winton Avenue from the concrete/asphalt crushing and related activities as required by the Planning Director. The plan for berming shall be approved by the Development Review Services Division.
10. Concrete/asphalt crushing and related activities shall be prohibited between 5:00 p.m. Friday and 7:00 a.m. Monday and on Mondays that are federal holidays. Weekday hours shall be limited to between 6:30 a.m. and 5:00 p.m. Weekend hours shall not be conducted unless prior approval is granted by the Planning Director.
11. Other than signs referred to in condition 4 above, signs required to deter trespassers and price signs posted where not visible from the street or shoreline trail, no other signs are permitted other than directional signs that are not visible from West Winton Avenue or the shoreline trail.
12. There shall be no more than an average of 40 trucks per day and no more than an average of 200 trucks per week entering and exiting the property.
13. Efforts shall be made to preserve any pickle weed found growing on the site in accordance with a plan approved by the City's Landscape Architect.
14. A construction entrance, in conformance with the City standard detail, SD-111, shall be maintained per the satisfaction of the City Engineer.
15. The existing excess stockpile of concrete and asphalt concrete material shall be removed from the site--except for material stored on the proposed "table-top" working area in the northeast corner, which has an approximate top elevation of 25-feet--by March 31, 1997. Thereafter, the total excess quantity of concrete and asphalt concrete material on-site shall not exceed that amount which can reasonably be processed in three months (approximately 45,000 cubic yards of finished product.)
16. Provisions for fueling the heavy diesel powered equipment shall be implemented in accordance with the Uniform Fire Code.
17. All outdoor storage areas shall be designed to reduce/limit the potential for runoff to contact pollutants. Bulk materials stored outdoor may need to be covered and/or placed in containment areas as deemed appropriate by the City Engineer.

18. All landscaping shall be properly maintained and shall be designed to reduce runoff. No fertilizers and pesticides which can contribute to runoff pollution shall be used.
19. All cut and fill slopes shall be stabilized as soon as possible after completion of grading. No site grading shall occur between October 15 and April 15 unless approved erosion control measures are in place.
20. The revised grading plan shall be submitted for approval by the City Engineer.
21. The small leachate seep in the unfilled area at the northern property line, which was identified by the San Francisco Water Quality Control Board, shall be filled per the Army Corps of Engineer's permit.
22. The western area adjacent to the shoreline trail shall be hydro-seeded following the first winter rains.
23. The applicant shall apply for and obtain a Storm Water Permit from the City, in compliance with NPDES storm water regulations.
24. The contractor shall continuously monitor all the ditches around the stockpile area to ensure that during the rainy season, water flowing through all ditches are clear. In the event that the water starts to become murky, the contractor shall install the sediment controls, such as silt fences, straw bales, wattles or other equivalent controls.
25. The contractor shall have on-site sediment controls materials available to be used any time when needed.
26. The owner shall place a sign on the property near the West Winton Avenue frontage that describes the work being done on site, that the concrete/asphalt recycling business is temporary in nature and that the recycling facility provides funds for the landfill recapping work which benefits the community at no cost to the public. The sign location, design and script shall be approved by the Planning Director and shall be erected within 60 days or before June 7, 1999.
27. Except where superseded by these conditions, all conditions of the Planned Development (ZC 86-26) shall remain in effect.

the driveway making egress difficult. She explained that if there were a red zone about 2 feet on either side of the driveway, it would help.

Maria Magallanes, 28151 Montjoy Court, explained that her questions were answered and she had no other comments.

Public Hearing Closed at 8:12 p.m.

Commissioner Halliday asked whether it would be possible to provide a red curb no parking on the residential street.

Commissioner Fish moved, seconded by Commissioner Bennett, to approve the application with one further condition to red stripe the southernmost property owners' driveway for a distance of 5-feet on either side of the driveway.

Commissioner Bogue expressed concern about the 5-foot requirement.

Development Review Services Engineer Anastas recommended that discretion in the striping be left to the City traffic-engineering staff to determine the red curbing distance.

Commissioner Halliday said that she was concerned that this neighborhood has been impacted particularly in the parking area. She then referred to item number one which has also indicated using the Eden Youth Center for over-flow parking. She said she was concerned but would not vote against the proposal.

The motion passed unanimously.

4. Zone Change No.98-190-11 - Landfill Management, Inc. (Applicant) - HBF Enterprises, Inc. [d.b.a. KCTC AM Radio] (Owner) - Request to modify conditions of approval for a planned development site to extend the time to complete this project by two years until December 31, 2000, to complete grading, capping and revegetating HBF Enterprises, Inc. portion of the West Winton Avenue landfill and to obtain authority to continue a concrete/asphalt recycling activity on the site for five years until December 31, 2003. The property is located at 4001 West Winton Avenue, at the westerly terminus of West Winton Avenue adjacent to the San Francisco Bay.

Senior Planner McClellan explained the need for a further extension of the landfill-capping project and for continuation of the concrete and asphalt recycling activity to continue on site during the extension period and while work continues on adjacent lands owned by HARD and Alameda County Flood Control and Water Conservation District. He explained that the project site is virtually complete. However, the volumes of specialized capping material calculated for the completion of the project have not been generated by the ACFC and WCD and made available to the applicant and that the shoreline vegetative material from Oro Loma Sanitary District has not been harvested in 1998 because of the effects of El Niño. These materials should be made available during the upcoming summer. He added that the Regional Water Quality Control Board is pleased and approves of the progress of the work. He indicated that staff is supporting the application. He added that the work is mandated whether the City agrees to the extension or not.

Commissioner Caveglia questioned the length of time the project was taking since this is the third request for an extension.

Senior Planner McClellan responding to a question regarding ownership, indicated that the property is still under the same ownership of the original owner. Commissioner Caveglia asked how the money works and who is making money off the proposal.

The Public Hearing Opened at 8:44 p.m.

Randy Bailey, Landfill Management Incorporated, 159 Terrace Avenue, San Rafael, explained that the funds are collected to do the work on the property. There is no profit. The money not used immediately is banked and used on the property for additional requirements. He explained that this is an abatement project at the bequest of the Regional Water Quality Control Board

Commissioner Caveglia suggested that if this were really serious they would have found a more efficient way of handling this.

Commissioner Zermeño asked whether this is going to be open space available to the public. Mr. Bailey explained that along the Bay is the regional park trail; the rest of the property is designated as upland habitat, which is public open space.

Ron Barklow, 1210 Tiegen Drive, mentioned that the crushed concrete provides material for an all-weather Bay trail. He added that he hoped they would be careful of the material that is used as topsoil so that it does not create more work for the shoreline clean up. He then questioned the publication of the notice in the Daily Review since not everyone reads that newspaper. He also suggested that clean up be required as needed rather than just twice a day required in Condition 8. He also requested that HASPA should have been noticed about this application.

Senior Planner McClellan indicated that HASPA had not scheduled their regular meeting prior to the Planning Commission meeting, and therefore had not discussed this item. Eric Willyard is the agency representative and is well aware of this application and will place it on the next agenda for the meeting, which should be held prior to the Council hearing.

Public Hearing Closed at 8:44 p.m.

Commissioner Fish, ~~moved~~, seconded by Commissioners Bogue and Halliday, to approve recommending the application to the City Council.

The item passed, 6:0:1, with Commissioner Caveglia abstaining.

~~ADDITIONAL MATTERS~~

5. Oral Report on Planning and Zoning Matters

Development Review Services Administrator Anderly reported that the concerns about Pearce Street were referred to the Community Preservation and the Traffic Engineer. She added that the business on Foothill, Lee's Buffet, has been notified that they are conditioned to screen the



CITY OF HAYWARD AGENDA REPORT

Planning Commission

Meeting Date 02/25/99

Agenda Item 4

TO: Planning Commission

FROM: Sheldon McClellan, Senior Planner

SUBJECT: Zone Change Application No 98-190-11 - Landfill Management, Inc. (Applicant) - HBF Enterprises, Inc. (Owner) - Third request to modify conditions of approval for a planned development site to extend the time to complete this project by two years until December 31, 2000, to complete grading, capping and revegetating HBF Enterprises, Inc. portion of the West Winton Avenue landfill and to obtain authority to continue a concrete/asphalt recycling activity on the site for five years until December 31, 2003.

The property is located at 4001 West Winton Avenue, at the westerly terminus of West Winton Avenue adjacent to the San Francisco Bay.

RECOMMENDATION:

It is recommended that the Planning Commission:

1. Recommend to City Council that the project be found categorically exempt from CEQA;
2. Recommend to Council that the applicant be granted a time extension until December 31, 2000, to complete the project and continue the operation of a concrete/asphalt recycling activity on the site until December 31, 2003.

DISCUSSION:

Proposal/Background

The applicant is requesting a two-year extension of time or until the end of year 2000 for the completion of a landfill-capping project. The applicant is likewise requesting approval for the concrete and asphalt recycling activity to continue on site during this time extension period and while work is occurring on adjacent lands owned by HARD and Alameda County Flood Control & Water Conservation District. In any case, the termination date for the concrete and asphalt recycling activity would be no later than December 31, 2003.

Since the last public review of this project, TV20, KOFY Radio, et al was sold [FCC licenses and property formerly owned by Pacific FM, Inc. except for the Hayward shoreline site]. The title to the West Winton Avenue landfill property formerly known as the KOFY property, was changed from Pacific FM, Inc. to HBF Enterprises, Inc. of Sausalito, California. This property was not sold since the land is incumbered with the mandate from the San Francisco Regional Water Quality Control Board. The former owner of Pacific FM wanted to retain responsibility for the shoreline property and the completion of the work that is in progress. HBF Enterprises, Inc. is assuming all agreements and executions by Pacific FM, Inc. dba TV20, KOFY Radio, et al. The owner hired Landfill Management, Inc. (applicant) to do the site work to meet the requirements of the San Francisco Regional Water Quality Control Board (SFRWQCB). The radio antennas on the West Winton Avenue site have been leased to the Susquehanna company that owns many radio stations nationally that include KNBR in San Francisco and now KTCT AM Radio (sports talk format) that broadcasts on the 1050 frequency from the antennas located on the property. It should be noted that with the sale of Pacific FM, Inc. to Susquehanna, the previous request made by Pacific FM to erect a sixth antenna on the property (approved by City Council), is no longer required and has not been constructed.

The five 205-foot-high radio transmission towers located on the property were approved by City Council within a Planned Development District in 1986. The capping work is a condition of approval, which also meets a San Francisco Regional Water Quality Control Board mandate. The capping requirement of 3 feet of fill over the property is to prevent leaching of contaminated material from the former landfill into the bay and to provide enough cover to make the site attractive and usable for recreation purposes. A condition of the original approval required that an open-space easement to allow public access to and across the site be granted to a public agency upon completion of the capping project.

The applicant states that the project on the West Winton Avenue (former KOFY radio) site is "virtually" complete when reviewing the scope of work that has been done on the property. The western half of the property (approximately 60%) outlined on the attached site plan in green, is completed--that is, in sequence, the foundation layer of fill that creates the required slope and landfill cover, the capping material and the vegetative layer or topsoil which is hydroseeded with a specific grass/upland seed mixture. The eastern half of the property (approximately 40%), outlined in yellow on the attached map, has been graded to the final elevations (subgrade) and is ready for placement of the capping material layer and the hydroseed cover. This work will complete the project on the HBF Enterprises, Inc. (HBF) property. The main and secondary ditches are installed, depicted in red on the site plan, and drain surface water from the property to the bay through a tidegate.

The completion date of December 31, 1998 was calculated based on the import volumes of a steady amount of material that were established in 1994 and 1995. The applicant points out that those volumes have not since been matched, partly due to the diversion of fill material to local freeway projects, and due to the increasingly wet winters where less grading and construction has been done. The applicant was scheduled to place the final and remaining topsoil/vegetative layer the last fall; however, their supplier of vegetative material, Oro Loma Sanitary District, could not

harvest their shoreline vegetative material in the summer of 1998 because of the effects of El Niño. They fully expect to harvest and export to the site in this coming Summer of 1999. The exact timing is uncertain, and the final hydroseeding should coincide with the first or last rains of the season.

Landfill Management states that their accomplishments since the City last met on this item (February 26, 1996) are significant:

1. Approximately two thirds of the property is completely finished, and the remaining one third is at subgrade and ready for topsoil and hydroseed material.
2. The main and secondary collection ditches are installed, and are serving to drain surface water into the Bay by tidegate.
3. The entire northern border adjacent to HARD property has been prepared and a membrane installed to prevent any leachate seeps into the seasonal wetland to the north.
4. All concrete and asphalt stockpiles have been recycled and exported from the property, and the recycling operation is in equilibrium import vs. export.
5. The applicant has gone beyond the borders of the property and has done work on the adjoining Alameda County Flood Control & Water Conservation District property to the east of the HBF property. This site has been substantially filled and graded to conform to the grading plan, and to drain to the main collection ditch.

While the applicant states that they are several months away (depending on import volumes) from completing the work on the HBF property, the capping progress on the greater 165-acre former landfill, however, is far from over. HBF has a cap and drainage system on most of their 45 acres of the greater 165-acre landfill. Much of the rest of the landfill is still open. There is minimal cover on the HARD and ACFCWCD property to the south of the HBF property. The effect of this is that surface water (rainwater) percolates into the landfill. During the last year's El Niño event, the water table in the landfill rose so dramatically that Landfill Management's sealed ditch floated out of the ground on two occasions. This presented an immense repair expense as well as constant supervision in order to keep the ditch weighted and still emptying properly into the Bay.

The applicant believes that the solution to this problem is in place. They have agreements with both HARD and Alameda County Flood Control & Water Conservation Districts to use their protocols and import fill from customer base to fill and grade each property to the Regional Water Quality Control Board approved grading plans. This can be done at no expense to either District. The applicant has also secured liability insurance for 1999 to perform this work. The applicant believes that it has a fiduciary responsibility to HBF to properly operate and safeguard their considerable investment in permanent improvements, at least until such time as the adjacent landfill properties are filled and graded to properly drain surface water from the landfill.

The side business of crushing concrete and asphalt and the retail export of aggregate which was allowed by Council with the modification of the zone change application in 1992 is located on a small section in the northeast corner of the HBF property. The former stockpile of concrete and asphalt on the site has been processed and removed. All new concrete and asphalt rubble brought on site is processed and exported from the property as class II roadbase, and drain rock. The recycling operation is now kept in equilibrium import vs. export. The applicant states that this operation is essential to pay the expenses of the landfill work and is the only cashflow during the winter rain months when the import of fill dirt is minimal. Likewise, the operation is of benefit to the community, to both private citizens and the construction industry, and to local municipalities and agencies. It provides both sales tax revenue and AB939 Recycling credits to the City. The applicant states that it is an essential component of their operations in terms of fiscal requirements, the continuity of year-round operations, and the material to maintain the roadways, drainage swales, and the shoreline trail.

The applicant states that the present recycling plant will be replaced with a portable, high volume plant, which will be moved on and off site as required. The stockpiles of concrete and asphalt rubble to be recycled and the stockpiles of finished product will be maintained at minimum heights, and will be completely unobtrusive from either West Winton Avenue or the shoreline trail. The hours of operation will remain 7:00 AM to 3:30 PM, Monday through Friday, and a very occasional Saturday during peak demand.

Since that time, the operation of this side business has been on the property, it has not been a problem to the neighboring properties as far as staff knows. Likewise, West Winton Avenue has been able to absorb the number of generated truck trips from this business activity. The applicant's personnel are required to check the street twice daily and do any sweeping necessary to keep the street clean of debris.

The SFRWQCB was contacted and given a referral and they have verbally responded that they are generally pleased with the progress that has been made to date by the applicant on the HBF property and that they would like to see the project completed in the manner that has been outlined in past actions permitted by the City. They too are very hopeful that the applicant will be able to use the same resources to complete work on the adjoining HARD and ACFCWCD properties. The SFRWQCB believes that Landfill Management, Inc. is making a diligent effort to do this work and that the recent setbacks of not being able to secure adequate material and the problems stemming from El Niño storms should not be cause for this progress to be curtailed.

Environmental Review

Pursuant to Section 15301, Class 1(d) [Restoration or rehabilitation of deteriorated or damaged facilities to meet current standards of public health and safety] of the California Environmental Quality Act (CEQA) Guidelines, the proposed extension of time to complete the project is categorically exempt from environmental review since the project has not changed other than the time line to complete it and a Negative Declaration had been previously reviewed and approved in 1992 for the project.

On February 11, 1999, a notice of public hearing was published in The Daily Review and was mailed to property owners as noted on the latest assessor's records within 300 feet of the property.

If the City Council does not extend the dates for completion of the work required, the project will then be in violation of the conditions of approval, and is therefore, subject to revocation of the permit. Such action could require the removal of the radio towers and antennas. Nevertheless, the owner would still be required to fulfill the mandate of the SFRWQCB to cap the site. The owner, however at this point, may not be required to execute the easement to a public agency to allow public access across the property.

Prepared by:

for *Dyanah Anderly*
Sheldon R. McClellan
Senior Planner

Recommended by:

Dyanah Anderly
Dyanah Anderly, A.I.C.P.
Development Review Services Administrator

Exhibits:

- A - Area Map
- B - Findings for Approval
- C - Conditions of Approval
- D - Landfill Management, Inc. letter, dated December 5, 1998
- E - Revised Grading Plan - 1997 (Site Plan)

Landfill Management, Inc.
159 Terrace Avenue, San Rafael, CA 94901
Telephone 415 460 1988, Fax 415 460 1973

December 5, 1998

Letter to accompany City of Hayward Application for Time Extension

The attached site plan will depict the status of the work completed, the improvements installed, and the final project remaining:

1. The western half of the property (approximately 60%) outlined in green, is completed. (That is, in sequence: the foundation layer of fill which creates the required slope and cover, the capping material, if required, and the vegetative layer, or topsoil, which is hydroseeded with a specific grass/upland seed mixture.)
2. The eastern half of the property (approximately 40%), outlined in yellow, is at subgrade, and ready for placement of the vegetative layer and hydroseed. This is the final work to be done.
3. The main and secondary ditches are installed, depicted in red, and drain surface water from the property to the bay through a tidegate.
4. The concrete/asphalt recycling facility is depicted in blue.

Our completion date of December 31, 1998 was calculated based on the import volumes of 1994 and 1995. We have never again matched those volumes, partly due to the diversion of fill material to the local freeway projects, and certainly due to increasingly wet winters. It is important to note that we have never raised our tipping fees, nor turned away any acceptable fill material.

We were scheduled to be completed on time, however; our source for the vegetative layer, the Oro Loma Sanitary District, could not harvest their material in the summer of 1998 because of the effects of El Nino. They fully expect to harvest and export to us in 1999. The exact timing is uncertain, and the final hydroseeding should coincide with first or last rains of the season. We are thus asking for an additional one to two years to accomplish this final project.

We discovered, after installing our main collection ditch in the summer of 1997, that the water table within the landfill rises dramatically after a significant rain. The effect of this is that our very expensive and carefully installed collection ditch floats out of the ground. The reason the water table rises is that the landfill properties south and east of our property have little or no cover, and the rainwater percolates into the top of the landfill.

properties south and east of our property have little or no cover, and the rainwater percolates into the top of the landfill.

We have agreements with both of these property owners (The Alameda County Flood Control District, and HARD), to employ the success of our operations, the screening protocols, and nearly eight years experience, to the benefit of those properties. We have created the mechanisms to do this work and have it pay for itself; thus, there is no cost to those agencies. We have the blessing of the Regional Water Board. Integrating those properties into the ditch collection system is essential to protecting our capital investment, but will also dramatically advance the progress toward capping the entire 165 acre landfill.

Therefore, we are asking for an additional three to five years of concrete/asphalt recycling operations on a small portion of the HBF (KOFY) property in order to fund the ongoing operations on a year-round basis.

The present recycling plant will be replaced with a portable, high volume plant, which will be moved on and off site as required. The stockpiles of concrete and asphalt rubble to be recycled and the stockpiles of finished product will be maintained at minimum heights, and will be completely unobtrusive from either West Winton Avenue, or the shoreline trail. The hours of operation will remain 7am to 3:30pm Monday through Friday, and a very occasional Saturday during peak demand.

This operation is a great benefit to the community, to both private citizens and the construction industry, and to local municipalities and agencies. It provides both sales tax revenue and AB939 Recycling credits to the City. It is an essential component of our operations in terms of fiscal requirements, the continuity of year-round operations, and the material to maintain the roadways, drainage swales, and the shoreline trail.

Thank you for your attention to this request for a time extension. We would be more than pleased to provide a site tour, and show you our progress. We have a new telephone number 415 460 1988 and a new fax number 415 460 1973. Please call with any questions or comments.

Very sincerely,

LANDFILL MANAGEMENT, INC.

A handwritten signature in dark ink, appearing to read "R. Bailey", written in a cursive style.

Randy Bailey, President

DRAFT *jm 3/26/99*

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

RESOLUTION MODIFYING CONDITIONS FOR PLANNED
DEVELOPMENT DISTRICT NO. 98-190-11 (LANDFILL
MANAGEMENT, INC., APPLICANT, AND HBF
ENTERPRISES, INC., OWNER)

WHEREAS, Landfill Management, Inc., applicant, has requested modification of the development plan to allow an extension of time for the landfill-capping project until December 31, 2000, and continuation of the on-site concrete and asphalt recycling activity until December 31, 2003, on property located at 4001 West Winton Avenue; and

WHEREAS, the matter was considered by the Planning Commission at its meeting on February 25, 1999 and its action is on file in the office of the City Clerk; and

WHEREAS, the project is categorically exempt from environmental review under the California Environmental Quality Act; and

WHEREAS, the City Council finds and determines as follows:

1. That continuation of retail sales of crushed asphalt and concrete, and the extension of time within which to complete the project will have no significant impact on the environment, cumulative or otherwise, and is categorically exempt from environmental review under CEQA Guidelines;
2. That the project is in substantial harmony with the surrounding area, which is undeveloped or industrial in nature, and the land conforms to the General Plan in that the project will enhance and preserve the shoreline and provide recreational opportunities along the shoreline;
3. That the City streets continue to be adequate to serve the traffic related to the project; and
4. That the landfill-capping project is temporary and the regrading of the property will be compatible with future open space and recreational type uses and will benefit the public since the land will be under the control of a public agency.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby approves the modification of the conditions for Planned Development District 98-190-11, attached hereto as Exhibit "A."

IN COUNCIL, HAYWARD, CALIFORNIA _____, 1999

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward